

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: WESTBROOK, *et al.*  
Serial No.: 10/040,937  
Conf. No.: 3784  
Filed: December 28, 2001  
For: **SLEEP APNEA RISK EVALUATION**  
Art Unit: 2171  
Examiner: Unassigned

### CERTIFICATE OF MAILING BY "EXPRESS MAIL"

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Date of Deposit October 29, 2002

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Arlington, VA 22202, on this date.

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Date

Michael Lough

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US Patent and Trademark Office  
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Arlington, VA 22202

Sir:

Transmitted herewith are an Information Disclosure Statement, Forms PTO-1449 (2 pages) and cited references for filing in connection with the above-identified application. Because this Information Disclosure Statement is filed prior to receipt of a first office action on the merits in the above-referenced application, no fee is due. However, should it be determined that a fee for filing these papers is required, the Commissioner is authorized to charge Deposit Account No. 05-1213, as stated below:

[ X ] The Commissioner is hereby authorized to charge any fees that may be due under 37 C.F.R. §§1.16-1.17 in connection with this paper or with this application during its entire pendency to Deposit Account No. 05-1213. A duplicate of this sheet is enclosed.

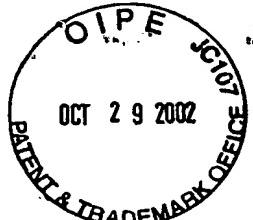
Respectfully submitted,  
HELLER, EHRMAN, WHITE & McAULIFFE LLP

By:   
David A. Hall  
Registration No. 32,233

Attorney Docket No. 38461-6098

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INFORMATION DISCLOSURE STATEMENT IN ACCORDANCE  
WITH 37 C.F.R. §§ 1.97-1.98

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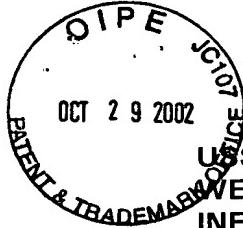
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Dear Sir:

Because this Information Disclosure Statement is filed prior to receipt of a First Office Action on the Merits for the above-captioned application, a fee for filing this statement should not be due. If, however, it is determined that a fee is due, any fees that may be due in connection with filing this paper may be charged to Deposit Account No. 50-1213.

In accordance with the duty of disclosure imposed by 37 C.F.R. §1.56 to inform the Patent Office of all references known by Applicant or Applicant's representative that may be material to the examination of the subject application, Applicant's representative hereby provides this Information Disclosure Statement that is prepared in accordance with 37 C.F.R. §§1.97-1.98 Form PTO-1449 (2 pages) and copies of the cited documents are provided herewith in connection with the above-captioned application.

The references listed on the Form PTO-1449 are provided herewith in the English language. Hence, in accordance with the requirements of 37 C.F.R. §1.98, as amended effective March 16, 1992, no further explanation of the listed items is necessary.



USSN 10/040,937

WESTBROOK, et al.

**INFORMATION DISCLOSURE STATEMENT**

Applicant also makes known to the Office the following U.S. and International applications, that are commonly owned and/or have one or more inventors in common with the subject U.S. patent application.

**U.S.S.N. (App. No.)**

09/916,824

09/900,988

**Filing Date**

07/26/01

01/09/01

**Docket No.**

6150C

6156

**International App. No.**

PCT/US01/50685

PCT/US00/02874

PCT/US02/22433

**Filing Date**

12/28/01

02/04/00

07/09/02

**Docket No.**

6098PC

6150PC

6156PC

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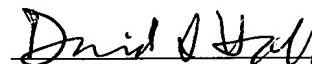
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Although these documents are made known to the Patent and Trademark Office in compliance with Applicant's duty of disclosure, such disclosure is not to be construed as an admission by Applicant or Applicant's representative that any of the references, singly or in any combination thereof, is effective as prior art against the subject application. In accordance with 37 C.F.R. §1.97(h), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. §1.56(b) exists.

Applicant respectfully requests that the Examiner review the foregoing references and make them of record in the file history of the above-captioned application.

Respectfully submitted,  
HELLER, EHRMAN, WHITE & McAULIFFE LLP

By:



David A. Hall

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